

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	Case No. 19-10926-tmd
	§	
ORLY GINGER,	§	
	§	
Debtor.	§	Chapter 7

CHAPTER 7 TRUSTEE’S MOTION TO QUASH SUBPOENA

TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Ron Satija, Trustee (“Applicant”), the duly appointed and acting trustee in the above-captioned bankruptcy case, and hereby files his *Motion to Quash Subpoena* (the “Motion to Quash”), and would show the Court as follows:

1. The applicant is Ron Satija, Chapter 7 Trustee in this case which was filed on July 12, 2019 (the “Petition Date”).

2. Sunday, September 29, 2019, at 7:07 p.m., counsel for Dalia Genger emailed counsel for the Trustee a subpoena (the “Subpoena”), a true and correct copy of which is attached hereto as **Exhibit A**. The Subpoena, which has not been properly served on the Trustee, commands that the Trustee produce on October 1, 2019, at 10:00 a.m. the following:

- a. All documents the subject of the Contested Matters marked in any manner, as now existing or from time to time, in the possession of any party and withheld from public view by any party, including those documents currently redacted or filed under seal in the Contested Matters’ pleadings, and expressly subject to Requesting Party and their law firm’s agreement and obligation to be subject to any existing confidentiality order (by execution of such acknowledgment of the confidentiality obligations of the firm, the client and any professional authorized to access or view such confidential documents) or subject to any proposed confidentiality order allowing restricted confidential access to which Requesting

Parties' lawyer shall agree.

3. Counsel for Dalia Genger has informed the Trustee that he does not intend for the Trustee to produce any documents as the Subpoena is intended to gain access to documents already in the possession of counsel for Sagi Genger which were provided to the Trustee by counsel for Sagi Genger.¹

4. Nevertheless, out of an abundance of caution the Trustee herein moves to quash the Subpoena. The discovery requests contained in the Subpoena are vague, ambiguous, overbroad, the response time is not reasonable, and the Trustee has not been properly served.

WHEREFORE, the Trustee respectfully requests that the Court enter an order quashing the Subpoena.

Respectfully submitted,

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By:/s/ Brian T. Cumings

Brian T. Cumings

COUNSEL FOR RON SATIJA, CHAPTER
7 TRUSTEE

¹ Counsel for Dalia Genger appears to operating under the assumption that the Trustee holds confidentiality rights in the requested information. The Trustee believes that view is mistaken and that it is the Debtor and possibly other persons associated with the Debtor who may have confidentiality rights with respect to the requested documents.

CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of October, 2019, I electronically filed this Motion with the Clerk of Court using the CM/ECF system which will send notification of such filing to those receiving electronic service, and service was made via U.S. First Class Mail within two business days to those listed below.

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd., Suite 230
Austin, TX 78701-2450

Ron Satija
Chapter 7 Trustee
P.O. Box 660208
Austin, TX 78766-7208
Chapter 7 Trustee

D&K GP LLC and Dalia Genger
c/o Shelby Jordan
Jordan Holzer & Ortiz, PC
6207 Bee Cave Road, Suite 120
Austin, TX 78746

Orly Genger
210 Lavaca St., Unit 1903
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Debtor

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Debtor's Counsel

By: /s/ Brian T. Cumings
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